IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE M.SASIDHARAN NAMBIAR

THURSDAY, THE 7TH DECEMBER 2006 / 16TH AGRAHAYANA 1928

Tr.P(C).No. 314 of 2006()

OP.17/2006 of FAMILY COURT, KOTTAYAM

.....

PETITIONER:

JAMES TOM @ JAISON, S/O. C.C.THOMAS,
CHITTOOKALAM HOUSE, KUMARAKOM SOUTH P.O.,
KOTTAYAM DISTRICT.

BY ADV. SMT.GIRIJA.L.

RESPONDENTS:

TEJIMOL @ ELIYAMMA, D/O.ABRAHAM M.V.,
KOKKATTU MUTTATHUKUNNEL, KALAKETTY P.O.,
ERATTUPETTA (VIA), KANJIRAPPALLY, KOTTAYAM DIST.

BY //

THIS TRANSFER PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 07/12/2006, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

ORDER ON I.A.NO.3533/06 IN Tr.P.C.314/05

DISMISSED

7/12/2006

SD/-M.SASIDHARAN NAMBIAR,JUDGE.

//True copy//

PA to Judge.

M.SASIDHARAN NAMBIAR,J.

Tr.P.(C) .NO. 314 OF 2006

Dated 7th December 2006

O R D E R

This petition is to transfer O.P.17/2006 filed by respondent before Family court, Kottayam to Family court, Thiruvalla or Alappuzha. Respondent filed O.P.17/06 before Family court, Kottayam claiming divorce. Reason shown petitioner for transfer was that counsel who was originally appearing for petitioner relinquished the vakalath on 28/11/2006 and though petitioner sought time to cross examine respondent by engaging another counsel on 8/12/2006, it was not granted and therefore case is to be transferred to another court.

2. On hearing learned counsel appearing for petitioner and perusing the grounds alleged in the petition, I am not satisfied with the reasons alleged for transfer. Grievance of petitioner was that he had engaged a counsel earlier who relinquished vakalath. If so, it is the duty of petitioner to engage another counsel in time without

further delay. Trial cannot be protracted. For that reason order of transfer cannot be granted. If petitioner engages a counsel and files an application before Family court on the next posting date to cross examine the witnesses examined learned Judge of Family court shall permit petitioner to cross examine the witnesses and proceed with the trial.

Petition is dismissed.

M.SASIDHARAN NAMBIAR,
JUDGE.

uj.